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Amendment

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HB0553704175HD0

Offered by:

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To: Subst. House Bill No. 5537

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Cal. No. 340

**"AN ACT CONCERNING THE DEPARTMENT OF PUBLIC
HEALTH'S RECOMMENDATIONS REGARDING VARIOUS
REVISIONS TO THE PUBLIC HEALTH STATUTES."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (b) of section 501 of substitute senate bill 36 of
4 the current session, as amended by Senate Amendment Schedule "A",
5 is repealed and the following is substituted in lieu thereof:

6 (b) Except as provided in this section, for registration periods
7 beginning on and after October 1, 2014, a licensee applying for license
8 renewal shall earn a minimum of fifty contact hours of continuing
9 education within the preceding twenty-four-month period. Such
10 continuing education shall: (1) Be in an area of the advanced practice
11 registered nurse's practice; (2) reflect the professional needs of the
12 licensee in order to meet the health care needs of the public; [and] (3)
13 include at least five contact hours of training or education in

14 pharmacotherapeutics; and (4) include at least one contact hour of
15 training or education in each of the following topics: (A) Infectious
16 diseases, including, but not limited to, acquired immune deficiency
17 syndrome and human immunodeficiency virus, (B) risk management,
18 (C) sexual assault, (D) domestic violence, (E) cultural competency, and
19 (F) substance abuse.

20 Sec. 502. Section 20-13j of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective October 1, 2014*):

22 (a) For the purposes of this section:

23 (1) "Department" means the Department of Public Health; [and]

24 (2) ["Health care provider" means: (A) A physician licensed under
25 this chapter; (B) a] "Other health care provider" means: (A) A dentist
26 licensed under chapter 379; [(C)] (B) a chiropractor licensed under
27 chapter 372; [(D)] (C) an optometrist licensed under chapter 380; [(E)]
28 (D) a podiatrist licensed under chapter 375; [(F)] (E) a natureopath
29 licensed under chapter 373; [(G)] (F) a dental hygienist licensed under
30 chapter 379a; [(H) an advanced practice registered nurse licensed
31 under chapter 378; or (I)] or (G) a physical therapist licensed under
32 chapter 376;

33 (3) "Advanced practice registered nurse" means an advanced
34 practice registered nurse licensed under chapter 378; and

35 (4) "Physician" means a physician licensed under this chapter.

36 (b) The department, after consultation with the Connecticut Medical
37 Examining Board, the Connecticut State Medical Society, or any other
38 appropriate state board, shall [,] (1) collect the following information to
39 create an individual profile on each physician and advanced practice
40 registered nurse for dissemination to the public, and (2) within
41 available appropriations, collect the following information to create an
42 individual profile on each other health care provider for dissemination
43 to the public:

44 [(1)] (A) The name of the medical or dental school, chiropractic
45 college, school or college of optometry, school or college of chiropody
46 or podiatry, school or college of natureopathy, school of dental
47 hygiene, school of physical therapy or other school or institution
48 giving instruction in the healing arts attended by the physician,
49 advanced practice registered nurse or other health care provider and
50 the date of graduation;

51 [(2)] (B) The site, training, discipline and inclusive dates of any
52 completed postgraduate education or other professional education
53 required pursuant to the applicable licensure section of the general
54 statutes;

55 [(3)] (C) The area of the physician's, advanced practice registered
56 nurse's or other health care provider's practice specialty;

57 [(4)] (D) The address of the physician's, advanced practice registered
58 nurse's or other health care provider's primary practice location or
59 primary practice locations, if more than one;

60 [(5)] (E) A list of languages, other than English, spoken at the
61 physician's, advanced practice registered nurse's or other health care
62 provider's primary practice locations;

63 [(6)] (F) An indication of any disciplinary action taken against the
64 physician, advanced practice registered nurse or other health care
65 provider by the department, the appropriate state board or any
66 professional licensing or disciplinary body in another jurisdiction;

67 [(7)] (G) Any current certifications issued to the physician, advanced
68 practice registered nurse or other health care provider by a specialty
69 board of the profession;

70 [(8)] (H) The hospitals and nursing homes at which the physician,
71 advanced practice registered nurse or other health care provider has
72 been granted privileges;

73 [(9)] (I) Any appointments of the physician, advanced practice
74 registered nurse or other health care provider to a Connecticut medical
75 school faculty and an indication as to whether the physician, advanced
76 practice registered nurse or other health care provider has current
77 responsibility for graduate medical education;

78 [(10)] (J) A listing of the physician's, advanced practice registered
79 nurse's or other health care provider's publications in peer reviewed
80 literature;

81 [(11)] (K) A listing of the physician's, advanced practice registered
82 nurse's or other health care provider's professional services, activities
83 and awards;

84 [(12)] (L) Any hospital disciplinary actions against the physician,
85 advanced practice registered nurse or other health care provider that
86 resulted, within the past ten years, in the termination or revocation of
87 the physician's, advanced practice registered nurse's or other health
88 care provider's hospital privileges for a professional disciplinary cause
89 or reason, or the resignation from, or nonrenewal of, professional staff
90 membership or the restriction of privileges at a hospital taken in lieu of
91 or in settlement of a pending disciplinary case related to professional
92 competence in such hospital;

93 [(13)] (M) A description of any criminal conviction of the physician,
94 advanced practice registered nurse or other health care provider for a
95 felony within the last ten years. For the purposes of this subdivision, a
96 physician, advanced practice registered nurse or other health care
97 provider shall be deemed to be convicted of a felony if the physician,
98 advanced practice registered nurse or other health care provider
99 pleaded guilty or was found or adjudged guilty by a court of
100 competent jurisdiction or has been convicted of a felony by the entry of
101 a plea of nolo contendere;

102 [(14)] (N) To the extent available, and consistent with the provisions
103 of subsection (c) of this section, all professional malpractice court

104 judgments and all professional malpractice arbitration awards against
105 the physician, advanced practice registered nurse or other health care
106 provider in which a payment was awarded to a complaining party
107 during the last ten years, and all settlements of professional
108 malpractice claims against the physician, advanced practice registered
109 nurse and other health care provider in which a payment was made to
110 a complaining party within the last ten years;

111 [(15)] (O) An indication as to whether the physician, advanced
112 practice registered nurse or other health care provider is actively
113 involved in patient care; and

114 [(16)] (P) The name of the physician's, advanced practice registered
115 nurse's or other health care provider's professional liability insurance
116 carrier.

117 (c) Any report of a professional malpractice judgment or award
118 against a physician, advanced practice registered nurse or other health
119 care provider made under [subdivision (14)] subparagraph (N) of
120 subdivision (2) of subsection (b) of this section shall comply with the
121 following: (1) Dispositions of paid claims shall be reported in a
122 minimum of three graduated categories indicating the level of
123 significance of the award or settlement; (2) information concerning
124 paid professional malpractice claims shall be placed in context by
125 comparing an individual physician's, advanced practice registered
126 nurse's or other health care provider's professional malpractice
127 judgments, awards and settlements to the experience of other
128 physicians, advanced practice registered nurses and other health care
129 providers licensed in Connecticut who perform procedures and treat
130 patients with a similar degree of risk; (3) all judgment award and
131 settlement information reported shall be limited to amounts actually
132 paid by or on behalf of the physician, advanced practice registered
133 nurse or other health care provider; and (4) comparisons of
134 professional malpractice payment data shall be accompanied by (A) an
135 explanation of the fact that physicians, advanced practice registered
136 nurses and other health care providers treating certain patients and

137 performing certain procedures are more likely to be the subject of
138 litigation than others and that the comparison given is for physicians,
139 advanced practice registered nurses and other health care providers
140 who perform procedures and treat patients with a similar degree of
141 risk; (B) a statement that the report reflects data for the last ten years
142 and the recipient should take into account the number of years the
143 physician, advanced practice registered nurse or other health care
144 provider has been in practice when considering the data; (C) an
145 explanation that an incident giving rise to a professional malpractice
146 claim may have occurred years before any payment was made due to
147 the time lawsuits take to move through the legal system; (D) an
148 explanation of the effect of treating high-risk patients on a physician's,
149 advanced practice registered nurse's or other health care provider's
150 professional malpractice history; and (E) an explanation that
151 professional malpractice cases may be settled for reasons other than
152 liability and that settlements are sometimes made by the insurer
153 without the physician's, advanced practice registered nurse's or other
154 health care provider's consent. Information concerning all settlements
155 shall be accompanied by the following statement: "Settlement of a
156 claim may occur for a variety of reasons that do not necessarily reflect
157 negatively on the professional competence or conduct of the physician,
158 advanced practice registered nurse or other health care provider. A
159 payment in settlement of a professional malpractice action or claim
160 should not be construed as creating a presumption that professional
161 malpractice has occurred."

162 (d) Pending professional malpractice claims against a physician,
163 advanced practice registered nurse or other health care provider and
164 actual amounts paid by or on behalf of a physician, advanced practice
165 registered nurse or other health care provider in connection with a
166 professional malpractice judgment, award or settlement shall not be
167 disclosed by the department to the public. This subsection shall not be
168 construed to prevent the department from investigating and
169 disciplining a physician, advanced practice registered nurse or other
170 health care provider on the basis of professional malpractice claims

171 that are pending.

172 (e) Prior to the initial release of a physician's, advanced practice
173 registered nurse's or other health care provider's profile to the public,
174 the department shall provide the physician, advanced practice
175 registered nurse or other health care provider with a copy of the
176 physician's, advanced practice registered nurse's or other health care
177 provider's profile. Additionally, any amendments or modifications to
178 the profile that were not supplied by the physician, advanced practice
179 registered nurse or other health care provider or not generated by the
180 department itself shall be provided to the physician, advanced practice
181 registered nurse or other health care provider for review prior to
182 release to the public. A physician, advanced practice registered nurse
183 or other health care provider shall have sixty days from the date the
184 department mails or delivers the prepublication copy to dispute the
185 accuracy of any information that the department proposes to include
186 in such profile and to submit a written statement setting forth the basis
187 for such dispute. If a physician, advanced practice registered nurse or
188 other health care provider does not notify the department that the
189 physician, advanced practice registered nurse or other health care
190 provider disputes the accuracy of such information within such sixty-
191 day period, the department shall make the profile available to the
192 public and the physician, advanced practice registered nurse or other
193 health care provider shall be deemed to have approved the profile and
194 all information contained in the profile. If a physician, advanced
195 practice registered nurse or other health care provider notifies the
196 department that the physician, advanced practice registered nurse or
197 other health care provider disputes the accuracy of such information in
198 accordance with this subsection, the physician's, advanced practice
199 registered nurse's or other health care provider's profile shall be
200 released to the public without the disputed information, but with a
201 statement to the effect that information in the identified category is
202 currently the subject of a dispute and is therefore not currently
203 available. Not later than thirty days after the department's receipt of
204 notice of a dispute, the department shall review any information

205 submitted by the physician, advanced practice registered nurse or
206 other health care provider in support of such dispute and determine
207 whether to amend the information contained in the profile. In the
208 event that the department determines not to amend the disputed
209 information, the disputed information shall be included in the profile
210 with a statement that such information is disputed by the physician,
211 advanced practice registered nurse or other health care provider.

212 (f) A physician, advanced practice registered nurse or other health
213 care provider may elect to have the physician's, advanced practice
214 registered nurse's or other health care provider's profile omit
215 information provided pursuant to [subdivisions (9) to (11)]
216 subparagraphs (I) to (K), inclusive, of subdivision (2) of subsection (b)
217 of this section. In collecting information for such profiles and in the
218 dissemination of such profiles, the department shall inform physicians,
219 advanced practice registered nurses and other health care providers
220 that they may choose not to provide the information described in said
221 [subdivisions (9) to (11)] subparagraphs (I) to (K), inclusive.

222 (g) Each profile created pursuant to this section shall include the
223 following statement: "This profile contains information that may be
224 used as a starting point in evaluating a physician, advanced practice
225 registered nurse or other health care provider. This profile should not,
226 however, be your sole basis for selecting a physician, advanced
227 practice registered nurse or other health care provider."

228 (h) The department shall maintain a web site on the Internet for use
229 by the public in obtaining profiles of physicians, advanced practice
230 registered nurses and other health care providers.

231 (i) No state law that would otherwise prohibit, limit or penalize
232 disclosure of information about a physician, advanced practice
233 registered nurse or other health care provider shall apply to disclosure
234 of information required by this section.

235 (j) All information provided by a physician, advanced practice

236 registered nurse or other health care provider pursuant to this section
237 shall be subject to the penalty for false statement under section 53a-
238 157b.

239 (k) Except for the information in [subdivisions (1), (2), (10) and (11)]
240 subparagraphs (A), (B), (I) and (K) of subdivision (2) of subsection (b)
241 of this section, a physician, advanced practice registered nurse or other
242 health care provider shall notify the department of any changes to the
243 information required in subsection (b) of this section not later than
244 sixty days after such change."

This act shall take effect as follows and shall amend the following sections:		
Sec. 502	October 1, 2014	20-13j